

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

UNITED STATES OF AMERICA) Case No. 1:17-cr-95
v.)
) District Judge Curtis L. Collier
)
JASON HERNANDEZ) Magistrate Judge Christopher H. Steger

REPORT AND RECOMMENDATION

Pursuant to 28 U.S.C. § 636(b), the undersigned United States Magistrate Judge conducted a plea hearing in this case on November 9, 2017. At the hearing, Defendant entered a plea of guilty to Counts 1, 4, and 5–8 of the 9 count Indictment. On the basis of the record made at the hearing, the Court finds that Defendant is fully competent and capable of entering an informed plea; the plea is made knowingly and with full understanding of each of the rights waived by Defendant; it is made voluntarily and free from any force, threats, or promises; Defendant understands the nature of the charges and penalties provided by law; and the plea has a sufficient basis in fact. Acceptance of the plea, adjudication of guilt, acceptance of the Plea Agreement, and imposition of sentence are specifically reserved for the District Court Judge.

I therefore recommend that the Court: (1) grant Defendant's motion to withdraw his not guilty plea to Counts 1, 4, and 5–8 of the 9 count Indictment; (2) accept Defendant's guilty plea to Counts 1, 4, and 5–8 of the 9 count Indictment; (3) adjudicate Defendant guilty of Financial Institution Fraud, in violation of 18 U.S.C. § 1344; False Bankruptcy Declaration in violation of 18 U.S.C. § 152(3); and Wire Fraud, in violation of 18 U.S.C. § 1343; and (4) order that Defendant remain out of custody until further order of this Court or sentencing in this matter.

The Defendant's sentencing hearing is scheduled on **April 18, 2018, at 2:00 p.m.**

ENTER.

/s/Christopher H. Steger
United States Magistrate Judge

NOTICE TO PARTIES

You have the right to *de novo* review by the district judge of the foregoing findings. Any application for review must be in writing; must specify the portions of the findings or proceedings objected to; and must be filed and served no later than fourteen (14) days after the plea hearing. Failure to file objections within fourteen days constitutes a waiver of any further right to challenge the plea of guilty in this matter. *See* 28 U.S.C. § 636(b).